

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CLARENCE GALTNEY, ET AL.,

Plaintiffs,

v.

CITY OF BERKELEY, ET AL.,

Defendants.

Case No.: 4:23-cv-5106-YGR

**ORDER TO SHOW CAUSE WHY CASE SHOULD
NOT BE DISMISSED**


Re: Dkt. No. 18

Plaintiffs Clarence Galtney and Andrew Thomas Vanderzyl brought this suit against the City of Berkeley, alleging that the City destroyed their property during an emergency abatement carried out against individuals experiencing homelessness in the vicinity of Eighth and Harrison Streets in Berkeley. The City filed a motion to dismiss plaintiffs' complaint on November 7, 2023. (Dkt. No. 18.) Plaintiffs requested an extension to respond, which the Court granted. (Dkt. No. 23.) Plaintiffs should have responded to the motion to dismiss by December 5, 2023. They still have not done so.

Given that, the Court **ORDERS** plaintiffs to **SHOW CAUSE WHY** this case should not be dismissed. Plaintiffs should reply to this order by no later than **Wednesday, January 31, 2024**, with an explanation on what grounds they oppose the City's motion to dismiss, whether they no longer wish to pursue this lawsuit, or why they need more time to respond to defendant's motion to dismiss. Failure to respond this Order shall be taken as a concession that plaintiffs' case should be dismissed.

IT IS SO ORDERED.

Date: **January 8, 2024**


YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT COURT JUDGE